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HUMAN RIGHTS, LAW AND THE  
LITERATURE OF THE OPPRESSED

Volume 2 (Seminars 7-9)

Prof. Craig Scott,  
Faculty of Law,  
University of Toronto

June 1991

Materials prepared for a course given in July and August of 1991 at Deep Springs College, California, U.S.A., by Daniel Porterfield and Craig Scott.

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HUMAN RIGHTS, LAW AND LITERATURE OF THE OPPRESSED

**VOLUME 2 (SEMINARS 7-9)**

**Note:** This Table of Contents also constitutes the Syllabus for the first 9 Classes of the course at Deep Springs College, July-August 1991. It is slightly revised from that which appears as the Table of Contents for Volume 1. As indicated at the start of Volume 1, students will not be expected to read all of the material. Specific 'mandatory' readings will be indicated prior to each class and students encouraged to read further according to their own interests for purposes of the assignments. The references to Kymlicka, Liberalism, Community and Culture are to a book which you are asked to purchase separately.

Proceed to Seminar 7 for the actual table of contents for this volume.

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**CLASS #1: INTERNATIONAL HUMAN RIGHTS AND U.S. CONSTITUTIONAL RIGHTS**

**International Human Rights: Please Read Before the First Class**

Bu. H.W., "Human Rights", (1985) 20 Encyclopedia Britannica 713-721

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Jack Donnelly, Universal Human Rights in Theory and Practice (Ithaca: Cornell University Press, 1989), Ch.1, "The Concept of Human Rights", 9-27

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**U.S. Constitutional Rights: To Be Read During the First Class - Do Not Read beforehand**

W. Haywood Burns, "Law and Race in Early America" in David Kairys, ed., The Politics of Law: A Progressive Critique (New York: Pantheon Books, 1990) 115-120

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Brown v Board of Education 347 US 483 (1954)

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Nadine Taub and Elizabeth M. Schneider, "Women's Subordination and the Role of Law - The Legal Order and the Public/Private Split" in Kairys, 151-157

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**CLASS #2:**      **U.S.. CONSTITUTIONAL LAW [continued]: EXPANDING AND CONTRACTING RIGHTS**

The Constitution of the United States reproduced in Geoffrey Stone, Louis Seidman, Cass Sunstein and Mark Tushnet, Constitutional Law (Toronto: Little, Brown and Company, 1986) @ xxxix

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Robert Carter, "Reexamining Brown Twenty-Five  
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(1979) 14 Harvard Civil Rights - Civil  
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Stone, Seidman, Sunstein and Tushnet,  
"Note: The Abortion Funding Cases"  
in Constitutional Law @ 873-874

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Nadine Taub and Elizabeth M. Schneider [continued],  
"Women's Subordination and the Role of Law -  
Legal Controls on Reproduction and the Public/Private  
Split" in Kairys, 157-160

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Associated Press, "Counselling abortions still  
banned" (May 29, 1991) The Globe and Mail A12

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**CLASS #3: UNIVERSAL HUMAN RIGHTS AND CULTURAL RELATIVISM DEBATES**

Executive Board, American Anthropological Association,  
"Statement on Human Rights" (1947) 49 American  
Anthropologist 539-543

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Nations, Human Rights: A Compilation of International  
Instruments (New York: United Nations, 1983) 1

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Philip Alston, "The Universal Declaration at 35:  
Western and Passe or Alive and Universal?"  
(1983) 31 Int.Comm. of Jurists Review 60

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Alasdair MacIntyre, "Some Consequences of the Failure  
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(London: Duckworth, 1981) 64-68

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(Syracuse: Syracuse Univ. Press, 1990), Ch.7,  
"Shari'a and Basic Human Rights", 137-160,  
and "Conclusion", 182-187

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Abdullahi Ahmed An-Na'im, "Towards a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman or Degrading Treatment or Punishment" (Work in progress; Preliminary Draft of a Paper Presented to the International Conference on Human Rights in Cross-Cultural Perspective, Saskatoon, Saskatchewan, Oct.12-14, 1989

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William Alford, "Making a Goddess from Loose Sand: Thoughts on Human Rights in China" (Work in progress; Preliminary Draft of a Paper Presented to the International Conference on Human Rights in Cross-Cultural Perspective, Saskatoon, Saskatchewan, Oct.12-14, 1989

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Kymlicka, Ch.4, "Communitarianism and the Self" bk:47-73

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Kymlicka, Ch.10, "Minority Rights and the Liberal Tradition", 206-219

Kymlicka, Ch.11, "Walzer and Minority Rights", 220-236

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Robert A. Williams, Jr., "Taking Rights Aggressively: The Perils and Promise of Critical Legal Theory for Peoples of Color" (1987) 5 Law and Inequality 103

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- Robert A. Williams, Jr., "Encounters on the Frontiers of International Human Rights Law: Redefining the Terms of Indigenous Peoples' Survival in the World" (1990) Duke Law Journal 660 2:192
- Roxanne Dunbar Ortiz, "Cultural Legitimacy of Human Rights in Latin American Indigenous Perspectives", Paper Prepared for the International Conference on Human Rights in Cross-Cultural Perspective, Saskatoon, Saskatchewan, Oct.12-14, 1989 2:215
- Revised Draft Universal Declaration on Rights of Indigenous Peoples [1989] 4 Canadian Native Law Reporter 44 2:230
- "Gitksan-Wet' Suwet'En Land Title Action: Editor's Note and Introduction" [1988] 1 Canadian Native Law Reporter 14-16 2:234
- "The Address of the Gitksan-Wet' Suwet'En Hereditary Chiefs to Chief Justice McEachren of the Supreme Court of British Columbia" [1988] 1 Canadian Native Law Reporter 17ff. 2:235
- Michael Bliss, "Conducted Tour" (April/May 1989) 69:2 The Beaver 16 2:256
- M. Carneiro da Cunha, "Human Rights or Collective Rights? Brazilian Indians' and Anthropologists' Perspective", Paper Presented to the International Conference on Human Rights in Cross-Cultural Perspective, Saskatoon, Saskatchewan, Oct.12-14, 1989 2:265
- William Connolly, "Identity and Difference in Global Politics" in J. Der Derian and M.J. Shapiro, eds., International/Intertextual Relations: Postmodern Readings of World Politics (Toronto: Lexington Books, 1989) 323 2:272
- Garry Wills, "Goodbye, Columbus" (Nov.22, 1990) New York Review of Books 6 2:283

Mario Vargas Llosa, "Questions of Conquest: What Columbus Wrought, and what he did not"  
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